



# PUBLIC NOTICE

Federal Communications Commission  
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## STREAMLINED RESOLUTION OF REQUESTS RELATED TO ACTIONS BY THE UNIVERSAL SERVICE ADMINISTRATIVE COMPANY

CC Docket No. 02-6  
WC Docket No. 02-60  
WC Docket No. 06-122

Pursuant to our procedure for resolving requests for review, requests for waiver, and petitions for reconsideration of decisions related to actions taken by the Universal Service Administrative Company (USAC) that are consistent with precedent (collectively, Requests), the Wireline Competition Bureau (Bureau) grants, dismisses, or denies the following Requests.<sup>1</sup> The deadline for filing petitions for reconsideration or applications for review concerning the disposition of any of these Requests is 30 days from release of this Public Notice.<sup>2</sup>

### Schools and Libraries (E-Rate)

CC Docket No. 02-6

#### Dismissed on Reconsideration<sup>3</sup>

Union Telephone Company (Fremont County School #6 and #14 and Carbon County School District #2), WY, Application Nos. 161042819, 161042345, 171018935, 171021507, Petition for Reconsideration, CC Docket No. 02-6 (filed Sept. 25, 2020)

#### Granted<sup>4</sup>

<sup>1</sup> See *Streamlined Process for Resolving Requests for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 96-45 and 02-6, WC Docket Nos. 02-60, 06-122, 08-71, 10-90, 11-42, and 14-58, Public Notice, 29 FCC Rcd 11094 (WCB 2014). Section 54.719(b) of the Commission's rules provides that any person aggrieved by an action taken by a division of USAC, after first seeking review at USAC, may seek review from the Commission. Section 54.719(c) of the Commission's rules provides that parties seeking waivers of the Commission's rules shall seek review directly from the Commission. 47 CFR § 54.719(b)-(c). In this Public Notice, we have reclassified as Requests for Waiver those appeals seeking review of a USAC decision that appropriately should have requested a waiver of the Commission's rules. Similarly, we have reclassified as Requests for Review those appeals seeking a waiver of the Commission's rules but that are, in fact, seeking review of a USAC decision.

<sup>2</sup> See 47 CFR §§ 1.106(f), 1.115(d); see also 47 CFR § 1.4(b)(2) (setting forth the method for computing the amount of time within which persons or entities must act in response to deadlines established by the Commission).

<sup>3</sup> See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Allan Shivers Library et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order and Order on Reconsideration, 29 FCC Rcd 10356, 10357, para. 2 (WCB 2014) (dismissing petitions for reconsideration that fail to identify any material error, omission, or reason warranting reconsideration, and rely on arguments that have been fully considered and rejected by the Bureau within the same proceeding).

*Discount Calculation – Allowing Resubmission of Discount Information*<sup>5</sup>

Community College Preparatory Academy, DC, Application No. 201017272, Request for Review, CC Docket No. 02-6 (filed Sept. 25, 2020, supplemented Oct. 2, 2020)

*Grant on Reconsideration – Signed Contract Requirement*<sup>6</sup>

Michigan City Area Schools, FL, Application No. 181029870, Petition for Reconsideration, CC Docket No. 02-6 (filed Sept. 1, 2020)

*Late-Filed FCC Form 471 Applications – Filed Within 14 Days of the Close of the Window*<sup>7</sup>

Liza Jackson Preparatory School, Inc., Inc., FL, Application No. 201046678, Request for Waiver, CC Docket No. 02-6 (filed Oct. 20, 2020)

St. Bede Elementary School, CA, Application No. 201047563, Request for Waiver, CC Docket No. 02-6 (filed Oct. 20, 2020)

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<sup>4</sup> We remand these applications to USAC and direct USAC to complete its review of the applications and issue a funding commitment or a denial based on a complete review and analysis, no later than 90 calendar days from the release date of this Public Notice. In remanding these applications to USAC, we make no finding as to the ultimate eligibility of the services or the petitioners' applications. We also waive sections 54.507(d) and 54.514(a) of the Commission's rules and direct USAC to waive any procedural deadline that might be necessary to effectuate our ruling. See 47 CFR § 54.507(d) (requiring non-recurring services to be implemented by September 30 following the close of the funding year); 47 CFR § 54.514(a) (codifying the invoice filing deadline).

<sup>5</sup> See, e.g., *Requests for Review of the Decision of the Universal Service Administrator by Academia Claret et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 21 FCC Rcd 10703, 10708, para. 12 (WCB 2006) (*Academia Claret Order*) (allowing the submission of discount calculation information when the applicant was previously unable to fully comply with the document request within USAC's permitted time period). To the extent necessary and consistent with precedent, we also find good cause exists to waive sections 54.720(a) and (b) of the Commission's rules, which requires that petitioners file their appeals within 60 days of an adverse USAC decision. See *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by ABC Unified School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 11019, 11019, para. 2 (WCB 2011) (*ABC Unified School District Order*) (granting waivers of filing deadline for appeals because they submitted their appeals within a reasonable period of time after receiving actual notice of USAC's adverse decision); 47 CFR §§ 54.720(a), (b).

<sup>6</sup> See, e.g., *Petitions for Reconsideration by Callisburg Independent School District; School and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order and Order on Reconsideration, 28 FCC Rcd 9459, 9461, para. 5 (WCB 2013) (granting petition for reconsideration where, upon reconsideration of the record, we do not find that the evidence supports our previous determination); *Requests for Review and/or Waiver of the Decisions of the Universal Service Administrator by Amphitheater Unified School District 10 et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 28 FCC Rcd 7536, 7536-37, para. 2 (WCB 2013) (granting waivers of the signed contract requirement in instances where applicants misunderstood the program rules and submitted their FCC Form 471 applications before signing a contract).

<sup>7</sup> See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9259, para. 8 (2010) (finding special circumstances existed to justify granting waiver requests where, for example, petitioners filed their FCC Forms 471 within 14 days of the filing window deadline). Consistent with precedent, we also find good cause exists to waive sections 54.720(a) and (b) of the Commission's rules, which requires that petitioners file their appeals within 60 days of an adverse USAC decision. See *School and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 35 FCC Rcd 2978, 2980-81, para. 7 (WCB 2020) (noting that E-Rate program participants that received an adverse decision dated from January 11, 2020 to August 1, 2020 have an additional 60 days to file an appeal or waiver); 47 CFR §§ 54.720(a), (b).

*Late-Filed FCC Form 471 Applications – Funding Year 2020 Application Less Than 60 Days Late*<sup>8</sup>

Region 18 Esd - Wallowa County, OR, Application No. 201044657, Request for Waiver, CC Docket No. 02-6 (filed July 15, 2020)

*Ministerial and/or Clerical Errors*<sup>9</sup>

Elwood Comm Consolidated School, IL, Application No. 201011396, Request for Waiver, CC Docket No. 02-6 (filed Sept. 25, 2020)

School Administrative Unit 20, NH, Application No. 201017620, Request for Waiver, CC Docket No. 02-6 (filed Oct. 13, 2020)

*Ministerial and/or Clerical Errors – FRN Omitted from FCC Form 471 Application*<sup>10</sup>

Alma Public School District 30, AR, Application No. 201044781, Request for Waiver, CC Docket No. 02-6 (filed Aug. 27, 2020)

California Crosspoint HS Academy, CA, Application No. 201044897, Request for Waiver, CC Docket No. 02-6 (filed Aug. 31, 2020)

*Upfront Recurring Charges*<sup>11</sup>

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<sup>8</sup> See *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Agri-Business Child Development et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 35 FCC Rcd 8278, 8280, para. 7 (WCB 2020) (*Agri-Business Child Development Order*) (finding good cause to waive the funding year 2020 FCC Form 471 application filing window deadline for applicants impacted by the coronavirus (COVID-19) pandemic that requested a waiver of the filing deadline and submitted their applications within 60 days of the close of the filing window). Because the *Agri-Business Child Development Order* was released August 6, 2020, we also find good cause exists to waive the funding year 2020 FCC Form 471 application filing window deadline for those applicants filing their applications on or before that date. We emphasize, however, that this additional relief applies only to this subset of applications and applicants should not expect the Commission to grant additional waivers absent a showing of extraordinary circumstances.

<sup>9</sup> See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Ann Arbor Public Schools et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 17319, 17320 n.21 (WCB 2010) (*Ann Arbor Order*) (permitting an applicant to correct a typographical error on its FCC Form 471).

<sup>10</sup> See, e.g., *Ann Arbor Order*, 25 FCC Rcd at 17319-20, para. 2 & n.5 (permitting applicant to include item omitted from the FCC Form 471, but included on its source list).

The petitioners did not realize their funding request was omitted until the application window for FY2020 had closed. They then filed late an application for these services in the application numbers listed above. We direct USAC to include these late-filed funding requests on the petitioners' timely-filed FY2020 applications or accept their late-filed applications as timely.

<sup>11</sup> Based on an audit finding, USAC seeks to recover funding from GV Investments, LLC for recurring services that were invoiced in advance of delivery. The invoice covered all 12 months of the funding year pursuant to an annual contract and was issued during the first month of the funding year. Consistent with our obligation to conduct a *de novo* review of appeals of decisions made by USAC, we grant this request for review. See 47 CFR § 54.723. Based on the facts and circumstances of this case, we find that GV Investments, LLC properly invoiced for the services and the services were delivered within the funding year. See, e.g., *Request for Review of a Decision of the Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15413, 15416, para. 6 (WCB 2008) (conducting *de novo* review of the facts and circumstances to determine that USAC's decision was in error).

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GV Investments, LLC (Hebrew Academy), CA, Application No. 161007145, CC Docket No. 02-6 (filed Jan. 31, 2020)

GV Investments, LLC (Cheder Menachem Mendel), CA, Application No. 161011726, CC Docket No. 02-6 (filed Jan. 31, 2020)

#### Grant in Part

##### *Services Not Duplicative*<sup>12</sup>

Eaton Academy, MI, Application No. 763416 (FRNs 2062811, 2062832), CC Docket No. 02-6 (filed July 26, 2017)

#### Denied

##### *Improper Service Provider Involvement*<sup>13</sup>

Eaton Academy, MI, Application No. 763416 (FRNs 2062823, 2062866, 2062845), CC Docket No. 02-6 (filed July 26, 2017)

##### *Invoice Deadline Extension Requests*<sup>14</sup>

Kimball School District 7-2, SD, Application No. 181038791, Request for Waiver, CC Docket

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Further we dismiss as moot the request for review filed by VC Services, LLC, CC Docket No. 02-6, on December 6, 2018 because the issue in that appeal was consolidated in the February 7, 2020 filing, which we address here.

<sup>12</sup> See *Request for Review of Decisions of the Universal Service Administrator by Macomb Intermediate School District Technology Consortium*, CC Docket 02-6, 22 FCC Rcd 8771, 8773-74, paras 1, 7-9 (2007) (*Macomb Order*) (partially granting a request for review of the denial of support for redundant networks and finding that that the applicant is entitled to E-Rate program funding in an amount associated with the least expensive of the two services and finding services that provide necessary bandwidth requirements consistent with the applicant's technology plan, such as multiple T-1 lines when appropriate for the population served and the services to be received, are not duplicative. We find that in this particular case, consistent with the *Macomb Order*, that Eaton Academy is entitled to E-Rate funding for its Internet connections at a rate associated with the least expensive of the non-duplicative services and direct USAC to complete its review of Eaton Academy's application and process the application in accordance with this Public Notice.

<sup>13</sup> Under Commission rules, service providers must not be involved in the procurement process when the service provider is also participating in the competitive bidding process as a bidder. See *Request for Review of Decisions of the Universal Service Administrator by Marana Unified School District, Trillion Partners, Inc.*, CC Docket 02-6, 27 FCC Rcd 1525, 1527, 1530, 1532 paras. 4, 9, 12 (WCB 2012) (The Commission has consistently stated that the competitive bidding process must be fair and open and must not have been compromised because of improper conduct by the applicant, service provider, or both parties. Under the Commission's rules, a service provider participating in the competitive bidding process cannot be involved in the preparation of the entity's technology plan, FCC Form 470 or RFP. In addition, all potential bidders and service providers must have access to the same information and must be treated in the same manner throughout the procurement process.)

<sup>14</sup> See, e.g., *Requests for Waiver of Decisions of the Universal Service Administrator by Ada School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 31 FCC Rcd 3834, 3835, para. 7 (WCB 2016) (denying requests for waiver of the Commission's invoice extension rule for petitioners that failed to demonstrate extraordinary circumstances justifying a waiver); see also *Modernizing the E-Rate Program for Schools and Libraries*, WC Docket No. 13-184, Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 8870, 8966, para. 240 (2014) (establishing that it is generally not in the public interest to waive the Commission's invoicing rules absent extraordinary circumstances); 47 CFR § 54.514.

No. 02-6 (filed Feb. 4, 2020)

*Relying on FCC Form 470 That Did Not Seek Bids on Type of E-rate Services Later Requested*<sup>15</sup>

Ferris Independent School District, TX, Application No. 191038889, Request for Review, CC Docket No. 02-6 (filed Feb. 28, 2020)

Pewaukee School District, WI, Application No. 191037602, Request for Review, CC Docket No. 02-6 (filed Apr. 28, 2020)

*Service Substitution*<sup>16</sup>

Argosy Collegiate Charter Academy, MA, Application No. 181037442, Request for Waiver, CC Docket No. 02-6 (filed June 5, 2020)

*Untimely Filed Appeals or Waiver Requests*<sup>17</sup>

Ednectics, Inc. (Salem-Keizer School District 24), ID, Application No. 171044948, Request for Waiver, CC Docket No. 02-6 (filed Sept. 25, 2020)

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<sup>15</sup> See, e.g., *Request for Review of a Decision of the Universal Service Administrator by Albert Lea Schools et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 24 FCC Rcd 4533 (WCB 2009); *Petition for Reconsideration by Chicago Public Schools; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 9289 (WCB 2014) (denying appeals of applicants that filed FCC Forms 470 that did not include the types of services for which the applicants later requested E-rate funding).

<sup>16</sup> See, e.g., *Requests for Waiver of Sections 54.504(c), 54.504(f), 54.507(c), and 54.507(g) of the Commission's rules by State of Louisiana Department of Education et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 1653, 1668, para. 18 (2010) (denying a service substitution request when it does not meet the Commission's requirements for granting a service substitution).

<sup>17</sup> See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Agra Public Schools I-134 et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 5684 (WCB 2010); *Requests for Waiver or Review of Decisions of the Universal Service Administrator by Bound Brook School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 5823 (WCB 2014) (denying requests for review and/or waiver on the grounds that the petitioners failed to 1) submit their appeals either to the Commission or to USAC within 60 days; or failed to submit their waiver requests to the Commission within 60 days as required by the Commission's rules; and 2) did not show special circumstances necessary for the Commission to waive the deadline).

**Rural Health Care Program****WC Docket No. 02-60**Granted<sup>18</sup>*Waiver of the Invoice Filing Deadline*

Area Mental Health Center – Garden City, KS, Request for Waiver, WC Docket 02-60, FRN No. 18868821 (filed Aug. 8, 2020)<sup>19</sup>

ENA Healthcare Services, LLC, TN, Request for Waiver, WC Docket No. 02-60, Funding Request Numbers 18435031, 18435051, 18435211, 18435261, 18435281, 18435311, 18435111, 18435091, 18435071, and 18441781 (filed October 13, 2020)<sup>20</sup>

Harper Community Hospital, OK, Request for Waiver, WC Docket 02-60, Funding Request No. 18823841 (filed Sept. 22, 2020)<sup>21</sup>

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<sup>18</sup> We remand these Rural Health Care Program applications to USAC and direct USAC to complete its review of the applications and issue a funding commitment or a denial based on a complete review and analysis, no later than 90 calendar days from the release date of this Public Notice. In remanding these applications to USAC, we make no finding as to the ultimate eligibility of the services or the petitioners' applications. We also waive sections 54.626(a) and 54.645(b) of the Commission's rules and direct USAC to waive any procedural deadline that might be necessary to effectuate our ruling. See 47 CFR § 54.626(a) (requiring that applicants must use all non-recurring services for which Healthcare Connect Fund Program funding has been approved by June 30 of the funding year for which the program support was sought); 47 CFR § 54.645(b) (2019) (requiring that Healthcare Connect Fund Program participants submit invoices for services to USAC no later than six (6) months from the funding commitment end date).

<sup>19</sup> See *Rural Health Care Support Mechanism*, WC Docket 02-60, Order, 35 FCC Rcd 1986, 1994 (WCB 2020) (*Funding Year 2018 Invoice Waiver Order*); *Rural Health Care Support Mechanism*, WC Docket No. 02-60, Order, 32 FCC Rcd 5065, 5065-66, paras. 2, 4 (WCB 2017) (*Funding Year 2016 Invoice Waiver Order*) (granting a waiver of the invoice filing deadline when the deadline had already passed at the time that health care providers received USAC's decision, which made compliance with program rules impossible). We waive the petitioner's invoice filing deadline and allow it 180 days from the release of this Public Notice to file invoices with USAC.

<sup>20</sup> See, e.g., *Request for Review of Decisions of the Universal Service Administrator by Canon-McMillan School District*, CC Docket 02-6, Order, 23 FCC Rcd 15555, 15557, para. 4 and n.16 (WCB 2008) (granting waiver of the invoice filing deadline to allow petitioners to correct inadvertent or typographical errors on the invoicing forms); *Request for Review of Decisions of the Universal Service Administrator by Alton Community Unit School District*, CC Docket No. 02-6, 25 FCC Rcd 7089, 7091, para. 5 and n.20 (WCB 2010) (granting waiver of the invoice filing deadline rule for petitioners that timely filed invoices with errors but were unable to submit corrected invoices because the invoice filing deadline had passed). See also *Streamlined Resolution Requests Related to Actions by the Universal Service Administrator*, CC Docket Nos. 02-6, et al., Public Notice, 31 FCC Rcd 1737, 1746 (WCB 2016) (granting invoice deadline extension request for Charles Cole Memorial Hospital because the applicant demonstrated good faith in complying with the invoice filing deadline rule). We allow the health care providers and ENA Healthcare Services, LLC to submit invoices within 180 days of the release date of this Public Notice for services committed under funding request numbers (FRNs) 18435031, 18435051, 18435211, 18435261, 18435281, 18435311, 18435111, 18435091, 18435071, and 18441781.

<sup>21</sup> See *Funding Year 2018 Invoice Waiver Order*, 35 FCC Rcd at 1994; *Funding Year 2016 Invoice Waiver Order*, 32 FCC Rcd at 5065-66, paras. 2, 4 (granting a waiver of the invoice filing deadline when the deadline had already passed at the time that health care providers received USAC's decision, which made compliance with program rules impossible). We waive the petitioner's invoice filing deadline and allow it 180 days from the release of this Public Notice to file invoices with USAC.

HealthPartners – Hutchinson Area Health Care, MN, Request for Waiver, WC Docket 02-60, Funding Request No. 18455841 (filed Apr. 28, 2020)<sup>22</sup>

Granted In Part

*Waiver of the Invoice Filing Deadline*<sup>23</sup>

Marshfield Clinic Health Systems, Inc., WI, Request for Waiver, WC Docket 02-60, Funding Request Nos. 18435471, 18405381, and 18400571 (filed Aug. 26, 2020)

Denied

*Waiver of the Invoice Filing Deadline*<sup>24</sup>

North Carolina Telehealth Network Consortium, NC, Request for Waiver, WC Docket 02-60, Funding Request No. 18404631 (filed Jan. 24, 2020)

**Contribution Methodology**  
**WC Docket No. 06-122**

Denied

*Request for Review of Decision by the Universal Service Administrator*<sup>25</sup>

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<sup>22</sup> See *id.* We waive the petitioner's invoice filing deadline and allow it 180 days from the release of this Public Notice to file invoices with USAC.

<sup>23</sup> We grant in part this request for waiver of the invoice filing deadline for funding request number (FRN) 18435471 and allow Marshfield Clinic Health Systems, Inc. to file invoices within 180 days of the release date of this Public Notice. See *Funding Year 2018 Invoice Waiver Order*, 35 FCC Rcd at 1994; *Funding Year 2016 Invoice Waiver Order*, 32 FCC Rcd 5065 at 5065-66, paras. 2, 4 (granting a waiver of the invoice filing deadline when the deadline had already passed at the time that health care providers received USAC's decision, which made compliance with program rules impossible). We dismiss as moot Marshfield Clinic Health Systems, Inc.'s request to the extent it seeks a waiver of the invoice filing deadline for FRNs 18405381 and 18400571. USAC issued funding commitment letters (FCLs) on August 28, 2020 for FRNs 18405381 and 18400571, which have invoice filing deadlines of December 31, 2021.

<sup>24</sup> See *Requests for Review or Waiver of Decisions by the Universal Service Administrative Company by Indiana Telehealth Network, et al.*; Rural Health Care Support Mechanism, WC Docket No. 02-60, Order, 33 FCC Rcd 12341, 12343, para. 4 (WCB 2018) (*Indiana Telehealth Network Order*) (denying requests for waiver where the appellants failed to present compelling explanations for seeking a waiver of the invoice filing deadline for reimbursement of services); see also *Rural Health Care Support Mechanism*, WC Docket 02-60, 30 FCC Rcd 1063, 1065, paras. 6 (WCB 2015) (reminding applicants that adherence to the filing deadlines and program rules are necessary for the efficient administration of the Healthcare Connect Fund Program). USAC resolved all site and service substitution requests before the applicable invoice filing deadline, leaving the petitioners time to submit invoices. A delay on the part of an applicant or service provider to certify and submit its invoice form for reasons within their control does not justify a waiver of the Commission's rules. See *Indiana Telehealth Network Order*, 33 FCC Rcd at 12343, para. 5.

<sup>25</sup> See *Federal-State Joint Board on Universal Service Changes to the Board of Directors of the National Exchange Carrier Association, Inc. Universal Service Contribution Methodology; XO Communications Services, Inc. Application for Review of Decision of the Wireline Bureau Order; TDS Metrocom, LLC Application for Review Or Clarification Or in the Alternative, Request for Waiver of Decision of the Wireline Bureau Order; Request for Review by XO Communications Services, LLC of Decision of the Universal Service Administrator, CC Docket Nos. 96-45, 97-21, WC Docket No. 06-122, Order on Review, FCC 20-142 (Oct. 9, 2020)* (affirming the Wireline Bureau's *Private Line Order* and the Commission's long-standing contribution reporting requirements directing all contributors to obtain and provide to USAC or the Commission upon request documentation that supports the

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Altice USA, Inc., Request for Review of Decision of the Universal Service Administrator, WC Docket Nos. 10-90, 06-122 (filed Feb. 2, 2018)

Waiver of Late Fees Denied and Request for Review Dismissed Without Prejudice

*Request for Waiver of Late Fees<sup>26</sup> and Request for Review of Decision by the Universal Service Administrator<sup>27</sup>*

Lightspeed CLEC, Inc., Request for Review of Decision of the Universal Service Administrator and Request for Waiver of FCC Form 499 Late Filing Fees, WC Docket No. 06-122 (filed Sept. 30, 2020)

For additional information concerning this Public Notice, please contact James Bachtell in the Telecommunications Access Policy Division, Wireline Competition Bureau, at james.bachtell@fcc.gov or (202) 418-2694.

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jurisdictional allocation of their private line revenues); *Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., Universal Service Contribution Methodology, Request for Review by McLeodUSA Telecommunications Services, Inc., et al., of Universal Service Administrator Decision*, CC Docket Nos. 96-45, 97-21, WC Docket No. 06-122, Order, 32 FCC Rcd 2140 (WCB 2017) (finding that the 10% rule does not create a blanket presumption applicable to mixed-use circuits in favor of either the intrastate or interstate jurisdictions and affirmed that the primary determinant of the proper jurisdictional assignment of private lines is the nature of the traffic carried over those lines and not the existence or lack of customer certifications).

<sup>26</sup> 47 CFR § 54.713. See, e.g., *Universal Service Contribution Methodology; Federal-State Joint Board on Universal Service; Requests for Review of Decisions of Universal Service Administrator by Airband Communications, Inc. et al.*, WC Docket No. 06-122, CC Docket No. 96-45, Order, 25 FCC Rcd 10861 (WCB 2010) (denying deadline waivers where claims of good cause amount to no more than simple negligence, errors by the petitioner, or circumstances squarely within the petitioner's control); *Universal Service Contribution Methodology; Requests for Waiver of Decisions of the Universal Service Administrator by ComScape Telecommunications of Raleigh-Durham, Inc. and Millennium Telecom, LLC*, WC Docket No. 06-122, Order, 25 FCC Rcd 7399 (WCB 2010) (denying waiver requests when negligence caused late filing fee); *Universal Service Contribution Methodology; Requests for Review of Decisions of the Universal Service Administrator by Achilles Networks, Inc., et al.*, WC Docket No. 06-122, Order, 25 FCC Rcd 4646, 4648-49, paras. 5, 8 (WCB 2010) (good cause not shown when filers claim they were unaware of their obligation to file the forms, ignorant of the process for electronically filing the forms, or had otherwise failed to file the forms); *Federal-State Joint Board on Universal Service, Request for Review by National Network Communications, Inc.*, CC Docket No. 96-45, Order, 22 FCC Rcd 6783 (WCB 2007) (good cause not shown when filer claimed it did not have skilled personnel to interpret and correctly apply FCC 499 instructions).

<sup>27</sup> See 47 CFR § 54.719(b) (providing that any person aggrieved by an action taken by a division of USAC, after first seeking review at USAC, may seek review from the Commission); *Request for Review of a Decision of the Universal Service Administrator by La Canada Unified School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 30 FCC Rcd 4729, para. 2 (WCB 2015) (dismissing an appeal that properly belongs before USAC pursuant to Commission rules).